



**COUNTY OF LOS ANGELES  
CHIEF ADMINISTRATIVE OFFICE**

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# 48

**SALLY R. REED**  
CHIEF ADMINISTRATIVE OFFICER

April 29, 1994

To: Department Heads

From: Sally R. Reed  
Chief Administrative Officer

Subject: **MEDIA POLICY GUIDELINE FOR DEPARTMENTS**

This is in follow-up to the Board's action on March 29, 1994, adopting a media policy for County records. That action directed departments to adopt guidelines for release of public records within 45 days. As requested at the last department head meeting, my office has prepared generic guidelines to assist in the development of your department's policy. You may wish to tailor it or expand it to meet your specific needs, including your policy on whether to charge the media for documents. Some departments are taking this opportunity to develop a total media policy, outlining how media requests are to be handled and designating who shall respond to inquiries. This is strictly an internal decision on your part.

LAW

Documents prepared or collected by government agencies must be released to the public upon request unless specifically exempted by state law or in situations in which it can be demonstrated that the public interest in keeping certain information confidential clearly outweighs the public interest served by disclosure of the record. A list of documents that are not public record, thus protected from disclosure, is attached. (Departments should add other records that may be specific to their departments.) Some records must be available for inspection at all times; others must be supplied within 10 days.

POLICY

In accordance with policy established by the Board of Supervisors, priority shall be given to requests for public information from the media. Even in cases where the department has a specific amount of time legally in which to respond to a request for a public record, unnecessary delays should not be imposed.

### PROCEDURE

Requests for public documents should be referred to the (specific office or position within the department). Department personnel shall promptly provide information upon request from the (office or position listed above) to enable a timely response. When needed, the (office or position listed above) shall work with the CAO Public Affairs Office and/or County Counsel's Office to determine the legality of releasing requested records. Items expected to generate considerable and/or controversial media attention should be communicated to the CAO's Public Affairs Office using a format similar to the attached proposed fax. You will, of course, also want to communicate with Board offices as appropriate.

### APPEAL PROCESS

Representatives of the media who feel they have been denied access to a public document may appeal to the department head (or designated position, with department head as final authority within department). The Board adopted policy designates the CAO Public Affairs Office as the Board's representative in resolving disputes between the media and departments.

### COPYING COSTS

Recognizing the unique role the media play in keeping the public informed, there will be no charge for duplicating routine records. A charge may be assessed when requests are of an extensive nature. In accordance with state law, that charge will reflect the direct cost of duplication, as established by the Auditor-Controller.

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Attachments

DOCUMENTS EXEMPT FROM DISCLOSURE  
UNDER THE CALIFORNIA PUBLIC RECORDS ACT

The Public Records Act defines a public record very broadly to encompass virtually any type of record in the possession of a governmental agency that relates to the agency's business, regardless of physical form or characteristics. For example, public records may exist in the form of maps, magnetic tapes, photographic films and prints, magnetic or punched cards, discs, and drums. (Government Code Sec. 6252, subsections (d) and (e).)

The following is a listing of categories of documents exempt from disclosure under the Public Records Act as of January 1, 1994:

Certain records related to initiative, referendum and recall petitions, and petitions for reorganization of school districts and community college districts. (G.C. § 6253.5)

Records that would reveal the identity of a person who requested a bilingual ballot or ballot pamphlet. (G.C. § 6253.6)

Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business, provided the public interest in withholding the records clearly outweighs the public interest in disclosure. (G.C. § 6254(a).)

Records pertaining to pending litigation against the County, or to claims filed against the County under the Tort Claims Act, until the litigation or claim is finally adjudicated or otherwise settled. (G.C. § 6254(b).)

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (G.C. § 6254(c).)

Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence. (G.C. § 6254(e).)

Certain records relating to law enforcement, criminal investigations, corrections and licensing. (G.C. § 6254(f).)

Certain records relating to test questions, scoring keys, and other examination data. (G.C. § 6254(g).)

Real estate appraisals, engineering or feasibility estimates, and evaluations relating to the acquisition of property, or to prospective supply and construction contracts, until all the property has been acquired, or all the contract agreement obtained. (G.C. § 6254(h).)

Taxpayer information received in confidence, the disclosure of which would result in unfair competitive disadvantage to the person supplying the information. (G.C. § 6254(i).)

Library registration and circulation records, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. (G.C. §§ 6254(j), 6267.)

Records exempt from disclosure or that are required to be kept confidential under other provisions of state law, or under provisions of federal law, including provisions of the Evidence Code relating to privilege. (G.C. § 6254(k).)

Statements of personal worth or personal financial data required to establish personal qualification for a license, certificate, or permit. (G.C. § 6254(n).)

A final accreditation report of the Joint Commission on Accreditation of Hospitals which has been transmitted to the State Department of Health Services. (G.C. § 6254(s).)

Certain local hospital district records relating to contracts with an insurer or nonprofit hospital service plan for inpatient or outpatient services. (G.C. § 6254(t).)

Certain information contained in applications for licenses to carry concealed weapons. (G.C. § 6254(u).)

Certain trade secret information relating to pesticide safety and efficacy. (G.C. § 6254.2.)

Certain voter registration information for designated public officials. (G.C. § 6254.4.)

Certain private industry wage data. (G.C. § 6254.6.)

Certain air pollution data. (G.C. § 6254.7.)

Computer software, including computer mapping systems, computer programs, and computer graphics systems. (G.C. § 6254.9.)

In addition to the foregoing, information may be withheld from public disclosure under limited situations when, under the facts of the particular case, the public interest in keeping the information confidential clearly outweighs the public interest served by disclosure of the record. This exception, known as the "public interest exemption," requires the holder of the information to evaluate the reason the information is being requested, and to determine whether, on balance, that reason outweighs the governmental interest in keeping the information confidential. Only when the governmental interest clearly outweighs the reason the information is being requested can public disclosure of the information be withheld.